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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,737	08/06/2003	Wolfgang Eberhard Luxem	81693/LPK	8842

7590 08/11/2005

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EXAMINER

LUU, THANH X

ART UNIT PAPER NUMBER

2878

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,737

Applicant(s)

LUXEM ET AL.

Examiner

Thanh X. Luu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transmission through the surface on which the substrate stock is to be recognized must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-7, 9-12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, "the sensor" lacks proper antecedent basis. It is unclear if Applicant is referring to light-sensitive sensors or a sensor of claim 1.

Regarding claim 3, "the sensor" and "the radiation" lacks proper antecedent basis.

Regarding claim 4, "the surface" lacks proper antecedent basis.

Regarding claim 5, "the sensor" and "the light reflected or transmitted" lacks proper antecedent basis.

Regarding claim 6, "the affected area" lacks proper antecedent basis. Furthermore, it is unclear what condition makes something "if necessary."

Regarding claim 7, "the color values" and "the reference values" lacks proper antecedent basis. Furthermore, "measurement of the color values and the reference values" lacks proper antecedent basis.

Regarding claim 9, "said color sensor" lacks proper antecedent basis.

Regarding claim 10, "the sensor," "the available light-sensitive sensor" and "the surface" lacks proper antecedent basis. Furthermore, it is unclear if "preferably of white light" is intended to be a limitation or not.

Regarding claim 11, "the assigned color value" lacks proper antecedent basis.

Art Unit: 2878

Regarding claim 12, "the surface", "the color values" and "the threshold value S" lacks proper antecedent basis.

Regarding claim 13, "the colors of the printing unit" lacks proper antecedent basis. Further, it is unclear if "preferably by approximately the threshold value" is intended to be a limitation or not.

Regarding claim 14, "the conveyance sequence" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7-12 and 14, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto (U.S. Patent 5,764,251).

Regarding claims 1-5, 7-12 and 14, Hashimoto discloses (see Fig. 8) a method and apparatus for recognizing, comprising: sensing (with 23-27) several ranges of light wavelengths (visible and near infrared; see col. 10, lines 25-26) that are recognized by a sensor. The visible spectrum includes wavelengths that can be assigned to red, green and blue. Hashimoto also discloses (see Fig. 8) comparing the assigned color value to a reference value of a surface (10) on which the substrate stock (6) is to be recognized, when the substrate is absent, and a light source (21).

6. Claims 1-3, 8-11 and 14, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sainio et al. (U.S. Patent 5,689,425).

Art Unit: 2878

Regarding claims 1-3, 8-11 and 14, Sainio et al. disclose (see Fig. 1) a method and apparatus for recognizing, comprising: sensing (with camera 36) several ranges of light wavelengths (R, G, B and infrared; see col. 5, lines 59-60) that are recognized by a sensor. Sainio et al. also discloses (see Fig. 1) a light source (37) and a CPU (32) and storage facility (33) as claimed.

7. Claims 1-5, 7-9, 12 and 14, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by a human or the human eye looking at a printer.

Regarding claims 1-5, 7-9 and 12-14, the human eye discloses a method and apparatus for recognizing, comprising: sensing (with retina) several ranges of light wavelengths that are recognized by a sensor. The visible spectrum includes wavelengths that can be assigned to red, green and blue. As a human looks at paper coming out of a printer, the person compares the assigned color value to a reference value of a surface (printer surface) on which the substrate stock (paper) is to be recognized, when the substrate is absent.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto.

Regarding claim 6, Hashimoto discloses the claimed invention as set forth above. Hashimoto does not specifically disclose triggering an alarm as claimed. However, triggering alarms when paper is jammed or missing is notoriously well known in the printing art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide such alarms in the method and apparatus of Hashimoto to alert a user to printing problems.

Regarding claim 13, Hashimoto discloses the claimed invention as set forth above. Hashimoto does not specifically disclose a surface that deviates from the colors that the printing unit can produce. However, it is well known in the art to provide a reference surface of a different color in order to reduce interference from other color sources. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide such deviations in color in the apparatus of Hashimoto to reduce interference and improve detection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is 571-272-2441. The examiner can normally be reached on M-F 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2878

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thanh X. Luu', is positioned above the printed name.

Thanh X Luu
Primary Examiner
Art Unit 2878

08/2005